

AT A REGULAR MEETING AND PUBLIC HEARING OF THE BOARD OF ZONING APPEALS OF THE CITY OF HAMPTON, VIRGINIA, HELD IN THE HARDY CASH CONFERENCE ROOM, CITY HALL, 22 LINCOLN STREET, AT 5:00 P.M. ON MONDAY, **October 7, 2013.**

Present: Chairman Thomas Savage, Vice-Chairman Burnett Peters, Board Members Linda Ellis, Rodney Gentry, and Alternate Tim Smith. Also present were Zoning Official Melissa Sajid, Senior Deputy City Attorney Lesa Yeatts, and Recording Secretary Angela Leflett.

Chairman Savage called the meeting to order and asked that the minutes of the September 16, 2013, meeting be considered. A motion was made by Board Member Gentry and seconded by Vice-Chairman Peters that the minutes be approved as written.

A roll call vote on the motion resulted as follows:

AYES:	Ellis, Gentry, Peters, Savage
NAYS:	None
ABSTAIN:	Smith
ABSENT:	Pope

VA13-00022: Wendy's International, Inc., 5113 West Mercury Boulevard, LRSN 3002550, a variance to increase the total number of allowable drive-through menu board signs from 1 to 2 and to increase the maximum overall height of a drive-through menu board sign from 6' to 6.25' to allow a second menu board sign at an existing restaurant.

After all witnesses were sworn in by the court reporter, Zoning Official Melissa Sajid stated that the staff recommendation regarding the application to increase the total number of allowable drive-through menu board signs from 1 to 2 and to increase the maximum overall height of a drive-through menu board sign from 6' to 6.25' to allow a second menu board sign at an existing restaurant is that it be denied due to the inability to meet the required criteria for a hardship as set forth in the Zoning Ordinance and the Code of Virginia.

The agent, Mr. Queen, presented his case to the Board.

After discussion, a motion was made by Board Member Gentry and seconded by Vice-Chairman Peters that a hardship exists and; the variance should be approved because:

1. The strict application of the ordinance would produce undue hardship relating to the property; and
2. The hardship is not shared generally by other properties in the same zoning district and the same vicinity; and

3. The authorization of the variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance; and
4. Granting of the variance is in harmony with the intended spirit of the ordinance.

A roll call vote on the motion resulted as follows:

AYES:	Ellis, Gentry, Peters, Savage, Smith
NAYS:	None
ABSTAIN:	None
ABSENT:	Pope

There being no further business to come before the Board, the meeting was adjourned at 5:20 p.m.

Thomas Savage, Chairman